

FILED

November 16, 2023

**OFFICE OF
APPELLATE COURTS**

STATE OF MINNESOTA

IN SUPREME COURT

A23-1354

Joan Growe, et al.,

Petitioners,

vs.

Steve Simon, Minnesota Secretary of State,

Respondent.

O R D E R

On October 3, 2023, we denied a motion filed by Stephen Carlson requesting leave to participate as amicus curie in the above-entitled matter. *See* Minn. R. Civ. App. P. 129.01(a) (permitting an amicus brief to be filed only “with leave of the appellate court”); *see also* 3 Erica A. Holzer & Katherine S. Barrett Wiik, *Minnesota Practice—Civil App. Rules Ann.* § 129.3 (June 2023 Update) (“Counsel should not assume that every petition for leave to participate as amicus will be granted.”).

On October 23, 2023, the Office of the Clerk of the Appellate Courts received a purported notice of appeal of our October 3 decision filed by Carlson and dated October 20, 2023. This submission was rejected by the Office of the Clerk of the Appellate Courts on October 25, 2023, as unauthorized by the Rules of Civil Appellate Procedure.

On November 3, 2023, the Office of the Clerk of the Appellate Courts received a letter from Carlson dated October 31, 2023, stating that he was appealing the October 25,

2023, rejection of his submissions for filing by the clerk's office. In this most recent letter, Carlson effectively challenged the October 3 denial.

Neither of Carlson's submissions were a proper petition for rehearing of our October 3 order, as neither submission was styled as a petition for rehearing. In addition, pursuant to Minn. R. Civ. App. P. 140.01, a petition for rehearing in the supreme court must be filed within 14 days after the filing of the decision or order. Both submissions were untimely, as they were filed more than 14 days after our October 3 order. Finally, neither submission identifies a valid reason to reconsider our October 3 order.

Based upon all the files, records, and proceedings herein,

IT IS HEREBY ORDERED that the documents submitted by Stephen Carlson dated October 20 and October 31 are construed as petitions for rehearing of the October 3, 2023 order and denied as untimely.

IT IS FURTHER ORDERED that Carlson's requests for rehearing, even if timely, are denied.

Dated: November 16, 2023

BY THE COURT:



Natalie E. Hudson
Chief Justice

CHUTICH, PROCACCINI, JJ., took no part in the consideration or decision of this case.